

November 24, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Walter H. Günzburg, Peter Karle, Robert M. Saller, Brian Salmons,  
Matthias Löhr and Petra Muller

Application No.: 09/160,067 Group: 1636

Filed: September 24, 1998 Examiner: S. Kaushal

Confirmation No.: 5908

For: Encapsulated Cells Producing Cytochrome p450

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11.24.03

Date

*Jerine Crump*

Signature

*Jerine Crump*

Typed or printed name of person signing certificate

REPLY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Reply is being filed in response to the Office Action mailed from the U.S. Patent and Trademark Office on November 18, 2002 in the above-identified application. Reconsideration and further examination are requested.

A Request For Continued Examination under 37 C.F.R. §1.114 is being filed in lieu of filing a Brief on Appeal pursuant to the Notice of Appeal received in the U.S. Patent and Trademark Office on May 22, 2003 in the above-identified application. A four-month extension of time for filing a Brief on Appeal is respectfully requested. A separate Petition for Extension of Time and the appropriate fees are being filed concurrently.

**REQUEST****FOR****CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of a utility or plant application  
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application Number	09/160,067
Filing Date	September 24, 1998
Confirmation Number	5908
First Named Inventor	Walter H. Günzburg
Group Art Unit	1636
Examiner Name	S. Kaushal
Attorney Docket Number	2316.1010-000 (GSF98-04A)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); *Interim Rule*, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**a. ☐ Previously submitted

- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on [ ].  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on [ ].
- iii. ☐ Other -- [ ].

b. ☐ Please do not enter the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on [ ].c. ☒ Enclosed

- i. ☒ Amendment/Reply
- ii. ☒ Amendment Fee Transmittal with copy
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Petition for Extension of Time - four month(s) with copy
- v. ☐ Other -- [ ].

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2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of [ ] months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other -- [ ].

3. **Fees** The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1.114 when the RCE is filed.a. ☒ A check is enclosed for the following fees in the total amount of \$2,250.00

OR

- ☐ Authorization is granted to charge the following fees in the total amount of \$[ ] to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes

- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) 12/02/2003 AHONDAF1 00000038 09160067
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) 01 FC:1801 770.00 DP
- iii. ☐ Amendment Fee
- iv. ☐ Other -- [ ].

b. ☒ Authorization is hereby granted to charge any deficiency in fees or credit any overpayments to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes.**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

Name (Print/Type)	Anne J. Collins	Registration No. (Attorney/Agent)	40,564
Signature	Anne J. Collins	Date	November 24, 2003

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type)	Jenine Crump	Date	November 24, 2003
Signature	Jenine Crump		